IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4342 OF 2005

Bipin S. Lakhani ...Applicant

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. Mihir Gheewala, Advocate for Applicant
Mr. Girish Kulkarni, Adv. for Respondent No.2.
Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 6TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant i.e. original accused, the learned advocate for the respondent No.2 i.e. original complainant and the learned A.P.P. for the State.

2. The applicant has been convicted under Section 138 of Negotiable Instruments Act and sentenced to two years R.I. and directed to deposit an amount of Rs.15.00 lakhs by way of compensation. The applicant preferred an appeal before the Sessions Court and prayed for bail. The learned Sessions Judge by order dated 18.6.2005 has observed that the request for bail can only be considered after depositing the entire compensation amount of Rs.15.00 lakhs.

3. It is stated by the learned advocate for the applicant that on account of his financial condition

the applicant is unable to deposit an amount of Rs.15.00 lakhs, hence, the order directing to deposit the amount of Rs.15.00 lakhs, be quashed. I am not inclined to quash the said order entirely, however, I am inclined to reduce the amount of compensation to be deposited at this stage to Rs.4.00 lakhs.

4. The applicant Bipin S. Lakhani to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount on the condition that the applicant deposits an amount of Rs.4.00 lakhs within four weeks from today.

5. The learned advocate for the applicant on instructions states that the said amount of Rs.4.00 lakhs will be deposited in the Sessions Court within a period of four weeks from today. The said statement is accepted. Thus the applicant is granted four weeks time to deposit the said amount of Rs.4.00 lakhs. In case the amount of Rs.4.00 lakhs is not deposited within four weeks, the bail granted to the applicant shall stand automatically cancelled.

6. Liberty is granted to the respondent i.e. original complainant to apply to the Sessions Court for withdrawal of the said amount of Rs.4.00 lakhs.

7. Application is disposed of in the above terms.

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